

E-filing

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALISE MALIKYAR and ROBERT JACOBSEN,

Plaintiffs,

No. C 07-03533 WHA

v.

JOHN SRAMEK, BERNADETTE SRAMEK,
HAROLD M. JAFFE, JOHN S. SRAMEK AND
BERNADETTE SRAMEK REMOVABLE LIVING
TRUST AND DOES 1 TO 100, inclusive,

Defendants.

SPECIAL VERDICT FORM

Your answers to the following questions must be unanimous:

1. Have plaintiffs proven by a preponderance of the evidence that any defendant violated the federal wiretapping law?

Harold Jaffe	Yes	_____	No	<u>✓</u>
John Sramek	Yes	_____	No	<u>✓</u>
Bernadette Sramek	Yes	_____	No	<u>✓</u>

2. Have plaintiffs proven by a preponderance of the evidence that any defendant violated California state wiretapping law?

Harold Jaffe	Yes	_____	No	<u>✓</u>
John Sramek	Yes	_____	No	<u>✓</u>
Bernadette Sramek	Yes	_____	No	<u>✓</u>

3. Have plaintiffs proven by a preponderance of the evidence that any defendant violated the state law against invasion of privacy?

Harold Jaffe	Yes	_____	No	<u>✓</u>
John Sramek	Yes	_____	No	<u>✓</u>
Bernadette Sramek	Yes	_____	No	<u>✓</u>

IF YOU UNANIMOUSLY ANSWER "NO" TO ALL OF THE FOREGOING, THEN YOU ARE DONE, GO TO THE END, AND SIGN AND DATE THE FORM AND ADVISE THE DEPUTY MARSHAL THAT YOU HAVE REACHED A VERDICT.

4. If the answer to any of the foregoing questions is "Yes," then you must state the amount of actual damages, if any, proven by plaintiff Alise Malikyar, keeping in mind the specific categories of damages eligible for your consideration as set forth in the instructions. Answer the following question:

1 Plaintiff Alise Malikyar asserts a claim for emotional distress due to alleged interception
 2 of attorney-client telephone calls. If you find that any such interception of attorney-client
 3 telephone calls by defendants has been proven, then state the amount of emotional distress
 4 damages you find have been proven due to such interception; otherwise, state "NONE."

5
 6 \$ _____
 7

8 5. No other actual damage item has been submitted for your consideration but the
 9 federal statutes in question allow the judge to impose a statutory damage award in the amount of
 10 \$100 a day per day (up to a maximum of \$10,000) for any proven violations. If you have found
 11 any defendant violated the federal wiretapping statute, state the number of days proven for any
 12 such wiretap.

13
 14 _____ DAYS
 15

16 6. If you find a violation on any claim herein, you must consider further whether
 17 plaintiffs have proven that any such defendants' conduct was malicious or in reckless disregard
 18 of plaintiffs' rights so as to warrant an award of punitive damages. Have plaintiffs proven that
 19 they are entitled to punitive damages?

20 Harold Jaffe Yes _____ No _____

21 John Sramek Yes _____ No _____

22 Bernadette Sramek Yes _____ No _____
 23

24 If your answer to Question No. 6 is "Yes," then a short supplemental proceeding will
 25 take place for you to decide the amount of punitive damages.
 26
 27
 28

CONCLUSION

ONCE YOU HAVE FINISHED ANSWERING THE NECESSARY QUESTIONS
UNANIMOUSLY, PLEASE HAVE THE FOREPERSON SIGN AND DATE THIS FORM.
THEN CONTACT THE DEPUTY MARSHAL TO INFORM HIM OR HER THAT YOU
HAVE COMPLETED YOUR DELIBERATIONS.

Dated: 6/22/09

Firas Bukhari 
FOREPERSON